

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EDUARDO ALVAREZ-VEGA,

No. 2:15-cv-02203-JE

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation on September 28, 2021, in which he recommends that the Court deny the Third Amended Petition for Writ of Habeas Corpus and enter judgment dismissing this case with prejudice. F&R, ECF [110]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v.*


Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks's Findings and Recommendation [110]. Accordingly, the Third Amended Petition for Writ of Habeas Corpus [69] is denied and this case is dismissed with prejudice. Because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2), the Court declines to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED: February 16, 2022.



MARCO A. HERNÁNDEZ
United States District Judge